

**FILED**

OA 91 Criminal Complaint

**United States District Court**

AUG 26 2008

NORTHERN

DISTRICT OF

CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

KIMBERLY ALLEN and SEAN STALLMEYER

CRIMINAL COMPLAINT

**4 - 08 - 70561**

Case Number: \_\_\_\_\_

**WLB**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about July 12, 2008 in Alameda County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

knowingly and with intent to defraud use one or more unauthorized access devices during a one year-period, and by such conduct obtain items of value aggregating \$1,000 or more during that period.

in violation of Title 18 United States Code, Section(s) 1029(a)(2)

I further state that I am a(n) Postal Inspector--U.S. Postal Inspection Service and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF POSTAL INSPECTOR JAMES RICKER  
PENALTIES:

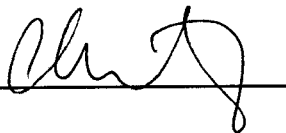
Imprisonment for not more than ten (10) years and/or a fine of not more than two hundred fifty thousand (\$250,000) dollars, a one hundred (\$100.00) dollar special assessment, and three (3) years of supervised release.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To

Form: CHRISTINE Y. WONGAUSA

Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

8/26/08

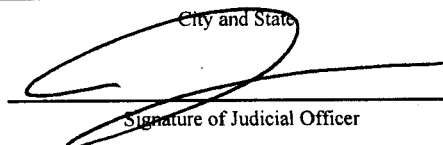
Date

at San Francisco, California

City and State

JOSEPH C. SPEROMAGISTRATE JUDGE

Name &amp; Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, James ~~Ricker~~ <sup>ROCKNER</sup>, being duly sworn, do hereby state:

1. I am a Postal Inspector employed by the United States Postal Inspection Service.

2. I hold a Bachelor of Arts degree in Justice Studies from Arizona State University, and a Juris Doctorate from Northern Illinois University. I have been employed since 2000 with the United States Postal Inspection Service, and during that time, I have participated in investigations of mail theft, mail fraud, identity theft, and check and credit card fraud. I am the team leader for the Oakland External Crimes Team, which is responsible for investigating such crimes. I have interviewed witnesses and cooperating individuals regarding such crimes. I have also read official reports of other law enforcement officers and postal inspectors. I received training at the Inspection Service Academy in various areas of law including, but not limited to, laws of arrest, mail theft, and identity theft.

3. Based upon the facts described below, I believe that there is probable cause to believe that Kimberly Allen and Sean Stallmeyer used one or more false access devices during a one-year period to obtain a 2008 Honda CBR 1000 motorcycle (the "Motorcycle"), in violation of 18 U.S.C. § 1029(a)(2) and 2. As described more fully below, on or about July 12, 2008, Sean Stallmeyer and Kimberly Allen impersonated other people in order to purchase the Motorcycle from Fremont Honda & Kawasaki ("Fremont Honda"). This affidavit is submitted for the purpose of establishing probable cause in support of a criminal complaint; therefore, it does not contain every fact, piece of information, or piece of evidence concerning this alleged violation.

**Facts Supporting Probable Cause**

4. In or about August 2008, I spoke with another United States Postal Inspector who told me the following, in sum and substance:


a. On or about July 31, 2008, he interviewed a witness ("W-1") at Fremont Honda who told him that on or about July 12, 2008, an individual identifying himself as Michael C., but later identified as Sean Stallmeyer, entered Fremont Honda and stated he wanted to purchase a motorcycle. Stallmeyer presented a photocopy of a California driver license in the name of Michael C. Stallmeyer negotiated the purchase of the Motorcycle for \$13,500, and

1 completed all the paperwork for the transaction in the name of Michael C. Stallmeyer called  
2 someone to bring a check to the dealership for payment. An individual identifying herself as  
3 Amanda D., but later identified as Kimberly Allen, arrived at the store. Allen completed a check  
4 in the name of Amanda D. for \$13,500. Stallmeyer completed the contract for the Motorcycle,  
5 and left with the Motorcycle.

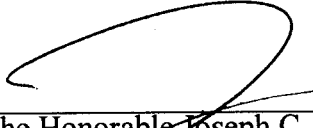
6 b. W-1 identified Sean Stallmeyer from a photographic line-up as  
7 being Michael C., and identified Kimberly Allen from a photographic line-up as being Amanda  
8 D.

9 5. Based on my knowledge of the business of Fremont Honda, I know that  
10 Fremont Honda is involved in interstate and foreign commerce.

11 6. For the reasons stated above, I respectfully request that the Court issue the  
12 requested criminal complaint and arrest warrant.

13  
14  
15   
16 James Rieker ~~Rieker~~  
17 United States Postal Inspector  
United States Postal Inspection Service  
San Francisco Division, Oakland Domicile

18 Subscribed and sworn before me this 26th day of August 2008 at San Francisco, California.  
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21   
22 The Honorable Joseph C. Spero  
23 United States Magistrate Judge  
24 Northern District of California  
25 San Francisco, California  
26  
27  
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